

H. Nandakumar, Maha Rajah

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N A R R A T I V E
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F A C T S *515. R. 18*
LEADING TO THE
T R I A L S
O F

Maha Rajah Nundocomar and Thomas Fowke

F O R

CONSPIRACIES against Governor HASTINGS and
RICHARD BARWELL, Esqrs.

MEMBERS OF THE SUPREME COUNCIL AT BENGAL;

AND TO THE

TRIAL of MAHA RAJAH NUNDOCOMAR,
FOR FORGERY:

WITH SOME

Extraordinary Anecdotes pending and subsequent to those Prosecutions.

IN WHICH ARE INTRODUCED THE

GENUINE ADDRESSES

O F T H E

Grand Jury, European and Armenian Inhabitants of Calcutta

T O :

Sir ELIJAH IMPEY, Knt. CHIEF JUSTICE,

AND THE OTHER

JUDGES of the SUPREME COURT of JUDICATURE;

W I T H

THEIR LORDSHIPS' ANSWERS:

A L S O,

SOME PERTINENT REMARKS ON TRADE IN BENGAL.

By a GENTLEMAN Resident in CALCUTTA.

L O N D O N :

Sold by J. BEW, No. 28, Pater-noster Row, 1776.

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N A R R A T I V E, &c.

Calcutta, August 13, 1775.

BY this Ship, the Northumberland, the East India Company will receive the most important advices that have been dispatched from Bengal since the conquest of this Country; nor are the subjects which more particularly concern the Public less interesting.—The trials and conviction in part of Maha Rajah Nundocomar and Mr. Thomas Fowke, a Free Merchant at Calcutta, for conspiracies against Governor Hastings, and Richard Barwell, Esq; a Member of the Supreme Council, together with that of Maha Rajah Nundocomar for forgery, and the subsequent execution of that noble delinquent, will create various conjectures in the minds of men, which the publication of those Trials alone can rectify; my intention therefore is, to recite such facts as may throw the clearest light on these important events, and satisfy any doubts that may remain as to the propriety of those prosecutions.

I shall commence with an extraordinary discovery made of a house for intelligence against the late Administration having been opened, under the auspices of Maha Rajah Nundocomar, Bahader, and Mr. Joseph Fowke, resident here; the latter of whom not being publicly known to be directly or indirectly engaged in the Company's affairs, rendered his interfering in the business of Government the more surprising: into this House was received every information that tended to vilify or asperse the character, honour, and reputation of the Governor General, Mr. Barwell, or any other Member of the late Administration.

Previous to the discovery of this nest of informers, the vilest and most pernicious of all pests to Society, the Inhabitants in general considered the disputes subsisting in the Supreme Council as merely political. Every looker-on formed his opinion, either as dictated to him by his own judgment, as influenced by his particular connections, or as biased by his hopes or fears: but no sooner was it known that a man so universally infamous in his character as Maha Rajah Nundocomar, aided and spirited up by a

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violent,

violent, prejudiced individual, no ways connected with the Company, had been secretly at work to collect such materials, than the whole Community took the alarm. Men of all orders and conditions beheld with horror the dangerous precipice on which they stood; the precarious situation of their lives and fortunes, subject to the attacks of one of the most artful and intriguing men Bengal could produce; who had been detected, during the government of Mr. Vansittart, in an infamous attempt to betray the Company, at the very time he was obligated to them for retaining the highest post in Government under the then Nabob, Jaffier Ally Cawn;—the only man the Directors of the East India Company at home could pitch upon as adequate to the task of convicting, by superior art and cunning, Mahomed Reza Cawn, his successor in the Duvanny, of the crimes they thought expedient to arraign him for.

Governor Hastings, when resident at the Durbar, was the man who detected Nundocomar's correspondence, and laid it before the Council, and was particularly instrumental in divesting him of the post and confidence he then held at Court. To this we may impute Nundocomar's inveteracy to that gentleman, who ever held him in the contempt which the atrociousness of his conduct deserved; although he was induced from political motives, and to avail himself occasionally of Nundocomar's abilities, in consequence of orders from the Court of Directors, to hold forth to him the ostensible appearance of trust and confidence.—As these records are open for the perusal of every Member of Administration, it cannot but be supposed, that the Majority in the Supreme Council must have been acquainted with them, and many other circumstances, on which to form a competent judgment of Nundocomar's character; nor will it admit of a doubt, but that the apprehensions which had already too justly invaded the minds of the community, was greatly encreased by the public visit made by them to this delinquent during the time of his examination; a visit which has been deemed an honour to the *Nabob himself*—a *condescension* to Nundocomar, even when acting as Naib Duvan; and which, how innocent soever it might be in the intention, could not fail of influencing the minds of the natives in favour of the culprit, concluding him thereby protected by men of the first rank and power, the immediate representatives of the East India Company.

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When proofs of a conspiracy sufficient to warrant a commitment were produced, it was some time before a man in the least degree of credit could be found to give bail for Nundocomar; and to jail he must have gone, had not two Military Gentlemen, Aids-de-Camp to the General, to the astonishment of the whole Settlement, tendered their sureties; men just arrived in the country, and to whom the Accused was scarcely personally known—influenced by what motives, I shall not take upon me to determine.

It was little better with Mr. Fowke. Many were applied to; but one only that was known, could be found among us to vouch for his personal appearance. The other was a Lawyer, scarcely introduced to the Settlement; who has since, however, made himself sufficiently conspicuous, by applying for blank Subpœnas on the Trial of Maha Rajah Nundocomar for Forgery, in order to fish for evidence. It is to these Trials I must refer my readers for many very interesting anecdotes, whilst I pursue my narrative; they are well worthy of perusal, and in their natures and consequences merit the attention of the Public.

It was so long ago as the commencement of the year 1773, when it was commonly reported, that Maha Rajah Nundocomar had committed forgery, and thereby defrauded the Heirs to the Estate of one Bollakeydofs, an eminent Shroft, or Banker, in the Bazar, of a large sum of money. It must appear strange to the World, that a matter of such consequence should not have been proved or disproved 'till this period, in June 1775. I will endeavour to explain, in as few words as possible, how this delay in the execution of justice happened.

Mohun Persaud, the prosecutor at the late Trial, had been Agent, or Attorney, for the Banker Bollakeydofs during his life-time; and by appointment of the Administrators to his estate, was one of the acting managers for settling his affairs, after his death. Mohun Persaud knew that the deceased had ever looked up to the Rajah Nundocomar, as to his friend and patron; that he depended on the Rajah's influence to obtain an order from the Governor and Council for the payment of a large sum of money by some means or other due to him from the Company, whose acknowledgment for it had, by casualty, been lost or destroyed; that a very short

time preceding his death, he recommended his family to the Rajah's warmest care and patronage, and in particular requested his attention to the recovery of this money from the Company. It was generally reported that this money was ordered by the Directors at home to be restored to the Executors of Bollakeydofs, and in consequence thereof was paid in their bonds to them. The Rajah, however, assuming to himself the merit of this restoration, had (by agreement with the Executors) twenty-five thousand rupees allowed him for this supposed piece of service. Not content with this gratuity, he set about to forge the Papers which were the objects of the late Trial. It therefore appears evidently, that Mohun Persaud, and the other Executors, knew a fraud of the blackest dye had been committed; but they were withheld from prosecuting, not only by the dread of the Rajah's supposed power and influence, but from a religious principle, which teaches Hindoos to avoid shedding the blood of any animal or insect whatever; more particularly to decline pursuit, when the life of a Bramin is concerned. Yet they wished to recover the money, and did commence a Civil Suit in the Adoulet, or Country Court, at the head of which Mr. Palk then presided; but the charge was not corroborated with sufficient proof for a decision in favour of the prosecutors, who sued the Rajah merely on a demand on him as a deposit from the estate of Bollakeydofs, and the prosecutors alledged, that the decree depended on certain papers in custody of the Register of the Mayor's Court. The Register was applied to for them; but why they were not produced, can be determined merely by suspicion that the Rajah found means to prevent their coming to light. These papers, however, were not produced, and the cause in consequence remained undetermined until the establishment of the Supreme Court of Judicature.

There is something singular in the obstinacy of Nundocomar, in placing his trust solely in Evidences suborned to swear whatever he pleased to dictate. He knew the papers for the forgery, of which he has since been found guilty, were in being, though he had hitherto had art enough to prevent their being produced. He knew the Executors deemed themselves in justice bound, whenever it was in their power, to oblige him to return both Principal and Interest of the money by him so infamously withheld; and moreover he knew, that he had given such repeated and unprovoked cause
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of offence to Mohun Persaud, that it was reasonable to expect his religious tenets would in so very hard a case, one time or other, subside, and reconcile him to the bringing of so hardened an offender to justice that it was more than probable he would take the first opportunity to acquit himself of the charge of false accusation against the Rajah, in the Court of Adoulet, which the dependants of the latter had not failed to circulate, on the dismissal of the cause from thence for want of proof to maintain it.

And so it proved; for no sooner did the report prevail that Rajah Nundocomar had been fabricating papers and petitions against the Gentlemen of the late Administration, (the infamy of which had implanted a detestation against him in the minds of all good men, and of course reduced the influence he was before supposed to possess) than Mohun Persaud determined to employ a Lawyer to sue out a Warrant to search the Records of the late Mayor's Court for the forged papers. They were found, and a criminal process was now become unavoidable, which brought to light one of the most intricate pieces of compound villany ever heard of, in the course whereof it appears that Nundocomar had a set of unprincipled villains at his command, trained to swear any thing.

Here is an old hardened sinner, who has employed a long life in every species of villany to accumulate a profusion of money, about to suffer an ignominious death, because he would not part with a little of his ill-gotten wealth! For could he have prevailed upon himself to have relinquished it, at any period previous to the prosecution, he need but to have sent the amount due to the Executors of Bollakeydofs to Mohun Persaud, who wished to decline the prosecution for the reasons above cited, and his life at least would have been secure. But having been tried, and such a complicated scene of iniquity made known to the World, what arguments can justify Men in Supreme Authority shewing a desire to mitigate so merited a sentence; against the opinion of the Respectable Part of the Natives themselves, who have repeatedly declined signing a Petition for a mitigation of the punishment; against the opinion of the Petty Jury, who, after a trial of eight days, brought him in guilty, and who have since been tampered with in vain to intercede for him; and against the unanimous opinion of
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the whole Bench of Judges, who, by a steady support of their own dignity, and invariable adherence to the Laws of Great Britain during a six weeks Sessions, have nobly dared to establish that authority which such a Court should ever maintain, and which is so highly approved in the subsequent Addresses from the Grand Jury, and a very considerable number of respectable European, Armenian, and Native Inhabitants of the Town of Calcutta and the Districts thereof;—shewing in modest, though strong terms, their disapprobation of the impediments thrown in the way of the King's Judges, at a time in which they with indefatigable pains and industry were investigating, and searching to the bottom, the most intricate scenes of iniquity any where to be met with on record. Such acts of impropriety are not the less culpable, because they can be executed with impunity. An attentive perusal of the Proceedings of our late Sessions of Oyer and Terminer will point out the unlawful attacks made on the Justices met on the bench, and to which I attribute the unanimity with which the inhabitants signified their displeasure thereat, by the subsequent genuine Addresses from every order of men, not only applauding the general conduct of the whole Bench, but the Chief Justice in particular, for his candour, steadiness, and impartiality of throughout the whole Sessions.

The opinion of the Company's Servants in general, at this unwarrantable indecent behaviour, is very well known; but as Company's Servants, they prudently avoid branding it as it deserved: yet those, who from fifty of the Principal Inhabitants, summoned to serve as Grand Jurymen, were fairly balloted to act in that capacity at the Assizes, could not refrain from giving a tribute of praise where it was so justly due, as appears from their Address to the Judges; and the unanimous opinion of twenty-three men serving on the important station of Grand Jurymen, is a strong proof of the ideas which such proceedings excited in the whole community.

To the Honourable Sir ELIJAH IMPEY,
Knight, Chief Justice of the Supreme Court of
Judicature.

MY LORD,

WE the Grand Jury for the town and districts of Calcutta beg leave, before we separate, to offer in a body through your lordship, our sincere acknowledgements to the Court for the great attention they have been pleased to show us through the whole course of an unusually tedious Sessions, in accommodating our business as much as possible to our convenience, and in affording us every remission from it which the nature of our service would admit.

Allow us further, my lord, to express on this occasion the satisfaction we feel in possessing in your lordship, a Chief Justice, from whose abilities, candour, and moderation, we promise ourselves all the advantages which can be expected from the institution of the Supreme Court.

May you long continue at the head of the Court, to add to that esteem for your character which your conduct has already acquired!

Town Hall, July 14th, 1775.

*This seems to
be the very jury,
which found
the bill of indictment
-went ag. Hendo-
-son.*

George Hurst
Charles Bentley
Alexander Van Rixtel
B. G. Wright
J. Stewart
J. J. Keighly

William Pawson
Samuel Charters
John Champain
M. Gunning
William Paxton
David Killican

D

Cudbert

Cudbert Thornhill
Page Keble
Thomas Morris
Robert Holford
H. Grant
Joseph Price

Robert Dobinson
J. Hannay
Charles Grant
J. Carmichael
Thomas Burges

To the Honourable Sir ELIJAH IMPEY,
Knight, Chief Justice of the Supreme Court.

*Note that this address appears to have been presented whilst
before the execution of the document, which was
not till the 5th of August following.*

MY LORD,

WE the Free Merchants, Free Mariners, and other inhabitants of the town of Calcutta, deeply affected with a sense of the manifold benefits which are derived to this Settlement from the institution of the Supreme Court of Judicature, beg leave to wait on your lordship to testify before you in this public manner our gratitude to our most Gracious Sovereign, and to the Legislature of Great Britain, for the inestimable obligation they have thus conferred upon us. Far distant from the mother-country, and necessarily deprived of a constitutional protection, which other Colonists enjoy in the Assembly of the People, we were also left under a feeble and uncomplete administration of the laws of England, till your arrival in Bengal. We then had the happiness to see the power of the law firmly established above all other powers, and an equal measure of justice distributed to all men.

At the same time, my lord, that we address our warmest expressions of thanks to your lordship, for the security to our persons and properties which

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we enjoy under the protection of the Court; it is with unfeigned acknowledgments we do justice to the merits, integrity and abilities of your Brethren.

The eminent station to which your sovereign has been pleased to call you, puts you in a point of view more exposed to the observation of the people, and renders your talents and virtues more conspicuous.—We have all of us had occasion, many of us as jurymen, to observe through the course of the full exercise of the various jurisdictions vested in your Court, the candour, wisdom, and moderation, with which you have conducted all their proceedings. It is not alone that intimate acquaintance with the laws which you display on these occasions that attracts our admiration, or that superior sagacity in detecting the sophisms which are advanced under their colour, but the steady unshaken conduct which you pursue in maintaining the dignity and independency of the King's Court, unawed by opposition of any sort, in impartially granting to every man under all circumstances the protection to which he is legally entitled, and in repressing the spirit of litigiousness, and the chicanery and quirks of practitioners.

We particularly felt our breasts glow with the warmest sentiments of gratitude, when we heard you from the highest seat of justice, supported by the unanimous voice of your Brethren, reprobate with every just mark of indignation the insidious attempt to introduce into practice the granting of blank subpœnas for the attendance of witnesses. So detestable an instrument of oppression in the hands of wicked or powerful men, might have produced the full effects of the edicts of the Inquisition, or the *lettres de cachet* of the most arbitrary state. Our reputation, our fortunes, and perhaps our lives, would have been in that case left at the mercy of every profligate informer, who might have been detached into the country, loaded with blank subpœnas, to fish for evidence in any suit or prosecution, among an abject and timid people, ignorant of the nature of these writs, who would have considered them merely as mandates from authority to swear as they were directed, and been ready to sacrifice truth, honour and religion, to the dread of power.

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We cannot also refrain from declaring how much we esteem ourselves indebted to the pains you bestowed, during the course of the late tedious and important trial, in patiently investigating the evidence, and tracing the truth through all the intricacies of perjury and prevarication, and in finally detecting and putting in the way of condign punishment the cloud of false witnesses, who seem to have acted from concert, and to have had hopes of introducing into the Court, under the shelter of an unknown tongue, and concealed forms of oath, a general system of false swearing, to the total subversion of all reliance on evidence, and to the utmost danger to the life and property of every man in these provinces.

Permit us then for our own sakes, and for the sake of all his Majesty's subjects in Bengal, to express our most hearty and sincere wishes for your health and prosperity; and that you may long continue among us, to fill that chair, where you now sit with so much lustre, and so much to our advantage and to that of the whole Settlement.

Before we withdraw from your presence we have one suit to prefer, which we hope in kindness will not be denied us. We request your lordship that you would be pleased to sit for your portrait at full length to the painter whom we shall appoint to draw it. We propose to put it up in the town-hall, or some other public room, merely as a gratification to our own sentiments of esteem and respect for you; well knowing that your virtues, and the services you render to the Public, will erect a much more durable monument to your name and character in the memories of the latest posterity.

*See those marked
with a cross
were on the
jury which
tried Nipdo-
-comer.*

+ C. S. Playdell
+ John Robinson
Joseph Price
Robert Holford
X John Ferguson
Harry Grant
Cudbert Thornhill
Robert Dobinson

Thomas Morris
S. Montaignet
John Prinsep
John Miller
R. Parks
Jacob Rider
William Johnson
E. Tiretta

L. D.

L. D. Costa
 F. Lherondell
 F. Le Blanc
 Charles Short
 Joshua Nixon
 Robert Watson
 William Richardson
 T. S. Hancock
 R. Sanderson
 Thomas Cragie
 William Swallow
 John Deveil
 ✕ Thomas Smith
 L. Oliver
 ✕ Edward Scott
 Alexander Murray
 ✕ Robert M'Farlane
 R. J. Goold
 ✕ Charles Weston
 John Belli
 R. Spencer
 John Rich
 Samuel Weller
 Tilly Kettle
 John Williams
 William Haig
 William Cummings
 John Bayne
 James Wittett
 Bryan Glover
 Montague Burman
 Thomas Thomas
 John Burrell
 Alexander Smart

Thomas Gill
 Alexander Rattray
 James Stewart Hall
 J. J. Irwin
 Edward M'Intosh
 James Augustus Hicky
 Thomas Sheills
 Robert Donald
 T. D. Willmot
 ✕ Arthur Adie
 William Barrington
 William Bondfield
 Thomas Peile
 Edward Wileman
 A. Falkonar
 ✕ John Collis
 John Gilkinet
 John Hearn
 John Taylor
 T. Clements
 George Nodes
 Alexander M'Neil
 William Briggs
 William Aldridge
 William Wilmott
 S. Fildar
 B. Meffinck
 Thomas Adams
 J. Brightman
 J. Eracy
 Robert Brown
 Moses Conner
 R. Strachen
 J. Ogden

A N S W E R.

GENTLEMEN,

I KNOW nothing that can give me greater satisfaction, than that which I received by your thus testifying your due sense and gratitude to his Majesty, for erecting an independant Court of Justice in this Settlement; and thereby extending the full protection of the English laws to the natives of this country, and to his British subjects at this distant extremity of the British empire.

The protection of the laws is the only constitutional protection that can consist with a free government. Protection by power only, is capricious; it may shelter the guilty as well as the innocent.

We can assume no great merit in not allowing the blank subpoenas to issue in the case you allude to. They were moved for the purpose of being sent high up into the country, though the fact charged was committed in Calcutta, expressly to bring down such witnesses as might come in, though the party applying neither professed to know either what the witnesses were to prove, or that such witnesses actually existed. Such subpoenas would be considered by the timid natives as mandates, and if suffered to have been made use of by wicked men of power or influence, you most truly say, that your reputation, property, and lives, could not be safe; it would have subverted that justice which it is our duty to enforce. There is little doubt, had they been granted, instead of having those witnesses produced, most of whom you know and so justly reprobate, we should have had a new troop of false witnesses.

Neither

Neither can we assume to ourselves any extraordinary merit or sagacity in detecting the falsehoods of the witnesses produced at the trial. The subject-matter of the evidence, the manner of delivering it, and the persons who delivered, made the imposition attempted to be put on the Court, too gross to deceive either the Court, or such by-standers who did not through prejudice wish to be deceived.

Two things operate to make our stations easy to us: the one, that we have a strict rule for our conduct, the law; the other is, that we do not administer justice privately. The eyes of all the inhabitants of the Settlement are upon us; they by that means become judges of our conduct, and will bestow on us censure or confidence, in proportion as we deserve the one or the other.

In the present unhappy state of the Settlement, we are most sensibly affected by receiving the public approbation of two such respectable bodies of men as the Grand Jury and the Free Merchants and Mariners of this town; of a Grand Jury elected by ballot from all the Company's servants below the Governor-general and Council, and from all the substantial inhabitants of this place; of the Free Merchants and Mariners, a body of men from their situations independant and unbiassed by interest or fear. We feel our conduct approved by the whole Settlement. The voice of the Grand Jury so elected, and of the Free Merchants and Mariners, is the voice of the Settlement.

I entertain the highest sense of the great honour done me by the marks of esteem that you are pleased particularly to address to me. The first and great satisfaction which I feel in my present situation is, the approbation of my own conscience; the next, that those to whom I administer justice bestow their approbation on my conduct, and put full confidence in the rectitude of my intentions.

It is with the greatest alacrity that I accept of the honour proposed me; for being unconscious either of exerting or possessing any peculiar talents,

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I understand it at least as much a public testimony of gratitude to his Majesty, for adopting the measure of erecting an independant Court of Justice in this town, as a personal compliment to the humble instrument of carrying his gracious intentions into execution.

To the Honourable Sir ELIJAH IMPEY,
Knight, Lord Chief Justice of the Supreme
Court of Judicature, and the Judges thereof.

MY LORDS,

WE the Armenians, inhabitants of Calcutta, in full conviction of many salutary effects already resulting from the administration of English laws in this Settlement, and in certain expectation of still more advantageous consequences, beg leave to express our warmest sentiments of gratitude to that power by whose interposition they were introduced, and to those hands by which we see them so impartially executed.

Ever mindful of the abilities and of the candour displayed by all the Members of the Bench, we think it our duty to signify our thankful sense of them to you, as the President, and through you to the rest of your Brethren, who, as they have uniformly exerted themselves for the public good, are also intitled to a share in our respectful acknowledgements.

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We must confess our fears, upon the introduction of English laws into this country, to have been neither light nor groundless. Where our fortunes, our lives, our honour, and our religion might be at stake, we could not but shudder at the consequences of justice distributed in an unknown language, and upon principles of which we were totally ignorant.—It is to you, my lord, that we owe this obligation, not only of a release from those terrors, but of a comfort and satisfaction proportionably more solid, as our causes of uneasiness had been substantial.

We are now convinced, that chicanery, subornation of evidence, perjury, and forgery, will never by any particularity of circumstance, or exertion of influence, escape with impunity; and the severe warnings which have been given to all offences so injurious to society, are most ample pledges for the protection of the peaceable subject in his property, his person and his reputation.

We are also told, that by your timely interposition, an attempt to introduce blank warrants for summoning any persons from all parts of the provinces, has been most effectually precluded. By this step your lordship has probably rescued an extensive kingdom from absolute destruction: for what man, independant either in his fortunes or his principles, would have resided one moment in a country where he was perpetually liable to be harrassed by vexatious and expensive journies, and by a painful attendance upon a Court of Justice, at the folly, the pique, or the caprice of every litigious individual?

We now experience within the space of a few months a total removal of every serious solicitude, and the most comfortable assurances of security in the possession of all we hold valuable, in these striking specimens of the excellence of the British Law, and the impartiality of its administrators.—We are therefore very earnest in our wishes, that its salutary influence may be yet wider extended, and its establishment (if possible) more effectually secured. Calculated as it is for a people whose climate, whose religion, manners, and dispositions, differ totally from those of India, there

must necessarily be many parts of it which materially clash with our sentiments and our prejudices, though we have the most exalted opinion of its general advantages.

Give us leave then, my lord, to hope, that it may hereafter be so modified and blended with the immediately national and constitutional peculiarities of this country, as to leave us no possibility of apprehension from its most extensive exertion, or excuse for undervaluing the obligations we receive from it;—that so our gratitude may be still more warmly excited towards our Most Gracious Monarch, who in this first exercise of his authority has given us so wonderful an instance of the wisdom of his government, and so respectable a representative of the British Legislature.

We most heartily unite in wishing that your lordship may long continue to preside in that Court from whence all our future security is to be derived; and that we may have the satisfaction of knowing, that our fortunes, our lives, and our reputations, equally unexposed to attacks of private artifices, and the fluctuation of arbitrary authority, stand inviolate upon the unalterable principles of equity.

Petrus Arratoon
Minas Elias
Owen John Thomas
Joseph Emin
Zachariah Caldor
Gabriel Johannes
Carrapiet Thomas
Calchatoor Owen John
Aftwafatoor Gregory
Arratoon Johannes
Phancees Bogram

John Mellickrat
Jacob Martinus
Arratoon Sarkes
Gregory Simon
Sarkees Johannas
Vissent Gregory
Stephan Mirza
Aftwafatoor Gregore
Arrakeel Auton
Thorous Gregory
Cachik Sarkees
Gregory

Gregory Sarkees
 Abraham Pogore
 Mattacky Michael
 Cachick Arrakeel
 Malcas Ifacc
 Sattoos Ellias
 Parfick Carrapict
 Arratoon Petrus
 Lazar Moorraud Cawn
 Aviet Aftwafattoor
 David Stephen

Petrus Iface
 Satter Morraud Cawn
 Arratoon Petrus
 Baban Phanes
 Michal Agabab
 Moses Joseph
 Avidick Jacob
 Petrus Avidick
 Cachatoor Iface
 Phanees Jacob.

A N S W E R.

GENTLEMEN,

IT is by no means surprizing, understanding as you did, that new laws were to be introduced among you, formed to rule a nation differing so wide in climate, manners and religion, from you, that you should take an alarm. It will be with the highest satisfaction I am enabled to acquaint his Majesty, through his Ministers, with what chearfulness you submit to his laws, and with what gratitude you acknowledge his royal care, extended to these regions so remote from the seat of his empire, and with what "warmth" you wish, that the salutary influence of his laws may be yet wider extended, "and their establishment (if possible) more effectually secured." I will likewise most faithfully transmit your hopes that the laws may hereafter be modified and blended with the immediate national and constitutional peculiarities of this country.

We enjoy great happiness from finding that our administration of those laws has tended to remove the prejudices which you so naturally entertained;
 and

and it rejoices me to have it in my power to inform you, that the same gracious wisdom and goodness that prompted his Majesty to extend the benefit of his laws to this country, has prescribed to us by his Royal Charter, in what manner and how far we are to introduce them, thereby providentially guarding against any inconvenience that might arise from a promiscuous and general introduction of them.

The principles of laws relating to property are universal. To give to every man what is his due, is the foundation of law in all countries and in all climates; it is a maxim that must be acknowledged by men of all religions and persuasions. Religion, custom, and prejudice, do indeed make the same act criminal, or more or less so, in one country than in another.

But his Majesty has already most graciously consulted your religion and customs, and the climates which you inhabit, and has with most fatherly tenderness indulged even your prejudices; it is his royal pleasure that only such of his laws shall be enforced as are conformable to your customs, climate, prejudices and religion.

We cannot but be sensibly affected by this public approbation of our conduct, given unanimously by so opulent, so respectable, and so independent a body of men, as the Armenians resident in this town.

Did our consciences not co-operate with that approbation, we should feel these expressions of your sentiments as censures, not praises.

We are confident, that if the laws of England are honestly and conscientiously administered, you cannot be disappointed in the effects which you so sanguinely expect from them; and we pledge ourselves, that it shall be our constant study to administer them in such manner that you may derive from them the greatest benefit, and the fullest protection which they are capable of bestowing.

Such

Such were the Addresses, with the Answers.

The Address from the Free Merchants, it is to be observed, is signed by all the old inhabitants settled as Free Merchants or Free Mariners at Calcutta. It happened at a time when the greatest part of the tonnage of the port was abroad; and none under the degree of a Master of a vessel, or house-keeper, were permitted to sign it. Persons in any shape employed by the Company (however willing) were desired not to sign it, lest it might involve them in difficulties insupportable to a state of dependance.

This body of people actually carry on the whole foreign trade of the port; they have been, and still continue to be very useful and obedient members of the society, notwithstanding they have met with many cruel and mortifying neglects from the Triumvirate; a striking instance of which having casually come to my knowledge, will, I doubt not, of itself fully prove the allegation, without enumerating circumstances.

A ship belonging to a Gentleman many years resident as a very respectable Merchant in this Settlement, bound from Bengal to Madras, met with a severe gale of wind, and when almost sinking, put into Basseen, a port on the coast of Ava, within six days sail of the mouth of the Bengal River, belonging to the King of Pegu. The ship was detained there, and plundered, without the least cause assigned. Unwilling to trouble Administration till necessity made it unavoidable, he endeavoured by presents, and other expensive ways, through the means of his agent at Pegu, to procure the releasement of his property; which proving ineffectual, and receiving certain advice that his goods were not only confiscated, but his captain and officers actually imprisoned, he thought it his duty as an Englishman, to make known to the Supreme Power the injury he sustained, the insult offered to the British Flag, and the hardship which his captain and officers suffered; supported by the affidavits of three Europeans, who happily made their escape from the ship: but though this information, together with the affidavits, were conveyed in the usual mode to the Supreme Council, so long ago as the 9th of

May, it is now the 3d of August, and his appeal remains unnoticed: In vain may you prescribe laws and devise means for collecting the revenue of these Provinces, if at the same time proper attention is not paid to the foreign trade of this Kingdom, from whence alone bullion is imported to vibrate the circulation, and the large supplies produced, to the amazing amount exported annually by the public and individuals. Had it not pleased his Most Gracious Majesty to have granted a Charter of Justice, and sent a body of upright and able Judges to give the laws of England their due course among us, a very little time would have sufficed Messrs. Nundocomar and his connections, with their troop of perjured Villains, to have quite dispersed the whole body, and with them the external trade of this country.

Almost every ton of shipping belonging to this port, is the property of the Free Merchants residing at Calcutta: so that it is by their means, and on their account, all the Exports of Grain are made: and yet so ill informed were the Legislature in these matters, that this useful body of men are, by the late Act of Parliament, prohibited from buying of Grain in the Provinces, and are confined to buy that article at Calcutta, when at the same time French, Dutch, Danes, Portuguese, and others, enjoy the privilege of trading into interior parts of the Country, under their National Colours. I verily believe Mr. Gregory not to have been in the House at the time the Act passed, or he would have explained, as he well can do, the hardships under which the Calcutta Exporting Merchants labour from such partial exclusions; when their being permitted to buy Grain at the great inland Marts, can be attended with no one inconvenience, as they have not the least degree of power, nor any preference, but what their fair dealings may give them.

The Export Trades in Raw Silk to Bombay and Surat; that of White Cloth, Silk Goods, and other articles, to both the Gulphs; Opium to the Eastward; and that of Rice, Wheat, Pease, Sugar and other gruff goods to all parts of India; is carried on, and the returns made, in ships and vessels belonging to the English Merchants residing at the presidencies of Fort William, Fort St. George, Bombay, and Bencoolen. The principal freighters, and almost the only importers of money into the Kingdom,

dom, are the Armenians and the owners above-mentioned, and without which the territorial revenue of the Kingdom would be difficult to collect.

I do therefore affirm, that the greatest part of the foreign trade of this Kingdom is managed by the above-mentioned bodies of men; and except a little Silver imported by the Dutch and French, the only resource for keeping up the currency of this country lies in the honest industry, integrity, and perseverance, of the English and Armenian independent Merchants residing in Calcutta. The trade of the port has encreased in a duplicate proportion within these three years, as may be proved by the Custom-House books.

Next to that from the European Merchants, stands the Address of the Armenians; a very rich body of people, whose extensive dealings and universal correspondence make them particularly useful in this country. It has ever been thought a wise maxim, by the ruling Princes in the East, to give them every encouragement and protection in their dominions: They also have confined the signatures of their Address to the principal men of their Cast residing in Calcutta.

The Addressees presented by the principal Mussulmen, Hindoo Merchants, and other country-born inhabitants of Calcutta, are, like the others, confined to the men whose names are well known, who have been employed by the Government in posts of great trust, capital merchants, men of high rank, or great fortune; but, as I am not certain that the time will admit my having copies of them translated, I cannot promise them to the Public by this conveyance.

Thus it is evident, that the Settlement in general not only highly approve the establishment of a Court so well calculated to secure their lives and properties, but glory in these first instances of its just decrees; and no considerations could induce them to endeavour to obtain the least mitigation of their sentences.

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The last effort was by the means of Mr. Farrer, the Gentleman whom I have before mentioned as petitioning the Court for blank subpoenas, and who addressed the two following notes to Mr. Robinson, Foreman of the Jury who brought Maha Rajah Nundocomar in Guilty.

Mr. Farrer's Note to Mr. Robinson

"Mr. FARRER presents his compliments to Mr. Robinson; he called on him this morning in order to have submitted to his perusal and consideration the enclosed Petition to the Judges on behalf of Maha Rajah Nundocomar.—If Mr. Robinson had approved of it and signed it, Mr. Farrer would have immediately sent it to the other Gentlemen of the Jury.—Should be obliged to Mr. Robinson if he will, without delay, favor Mr. F— with his sentiments in respect thereto; as Mr. F— wishes to get it determined one way or the other to-day; as the state of suspense in which the unhappy lies, is, as may well be conceived, very dreadful, and he has still some hopes from the humane intercession of the Jury in his favour."

Tuesday Morning

7 o'Clock,

Mr. Robinson wrote to Mr. Farrer the following Answer:

"Mr. ROBINSON's compliments to Mr. Farrer, and begs him to reflect, the nature of a British Jurymen's oath and opinion must have been such, at the time of their giving in their Verdict, as can never, with propriety, be altered."

Mr.

Mr. *Farrer* then wrote Mr. *Robinson* the following Letter :

S I R,

“ THERE is nothing, as I can conceive, in the Petition which I left for your perusal, which either expresses or implies an alteration of opinion in the Jury, but quite the reverse; it still states the Jury to be of the same opinion; it ratifies and confirms their verdict, and only suggests reasons why the criminal may, under the peculiar circumstances of his case, be thought worthy of some degree of mercy. Surely there can be no impropriety in this, as it will hardly be denied but that the strict requisition of a positive law may in many cases oblige a Jury, in conformity to the tenor of their oath, to find a person guilty, where there may, notwithstanding, be many reasons for an application for mercy. Whether this is a case of that nature or not, it is not my province to determine; neither do I wish to influence any one, either one way or the other: suffice it for me, in compliance with the earnest solicitation of an unhappy victim, to have acquitted myself to my own feelings, in having made the application. You will judge, and act for yourself.”

S I R,

Tuesday August 1,
1775.

Your most obedient humble Servant,

(Signed) THO. FARRER.

To the above Letter Mr. *Robinson* sent the following Answer :

To THOMAS FARRER, Esq;

S I R,

“ I HAD every tender feeling with which the human heart can be impressed for the convict, both at and after his trial; nor would the strict requisition of a positive Law, that in many cases obliges a Jury, in conformity to the tenor of their oath, to find a person guilty, have prevented

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myself

myself and Brethren from recommending him to mercy, had our conscience admitted our so doing.

“ The veneration I have for the Bench of Judges before whom the Maha Rajah Nundocomar was tried, will not admit me to doubt, but if they think him an object of compassion, no want of such lenity will be omitted, by recommending him to our Most Gracious Sovereign for his pardon. I must, in this case, judge and act from my own conscience; and at the same time I cannot help remarking, that the offering such a Petition for me to sign, very much hurts my feelings; especially as it is on a subject which, in my opinion, no person has a right to interfere in.

I am,

Sir,

Calcutta, August 1,
1775.

Your most obedient Servant,

(Signed) JOHN ROBINSON.”

Mr. Hastings, on his accession to the Government, found this large town without the least shadow of a Police: He planned that which is now in use, and by his popularity persuaded the inhabitants to contribute to its support. To prevent expence in the collections, he very wisely had it done by the Company's Collectors of the Land-Tax; and as it falls with those collections into the Company's Cash Chest, the monthly disbursements are made from thence. This gives the right of investiture to the Governor General and Council, or to the present Majority.

Mr. Charles Stafford Playdell, whose name stands at the head of the Free Merchants Address, first entered into the Company's service about the year 1744, and continued to serve them with fidelity for a great number of years. About the year 1767, he returned to his native country, possessed of a very moderate fortune, great part of which he left behind him in India; and by one of those revolutions not uncommon in human

man affairs, in the year 1771 he found it necessary to return to India to collect in what was due to him. As he was no longer in the Company's Service, he settled in Calcutta as a Free Merchant. In the middle of the year 1773 the office of Superintendant of the Police becoming vacant, it was by Governor Hastings and the Members of the then Administration conferred on Mr. Playdell, to the satisfaction of all the inhabitants of the town, as by his long residence in the country he had acquired a thorough knowledge of the customs, manners, usages, and language of the natives; and from his great application, humanity, and moderation, was, to all intents and purposes, the most proper man to fill that office. It has, however, been taken from him. The reason assigned was, that his time of leave from the Company to reside, was elapsed; which, however, is not the case; and the office is now in the possession of a Mr. Mackrabie, brother-in-law to Mr. Francis, a person of eight months standing in the country, without one single qualification requisite to entitle him to such a preference. This circumstance is the more grievous, because the office is supported by a voluntary contribution from the inhabitants, though collected by the Company's People, under the denomination of Chowkeydaree, which may be rendered Watch and Ward Tax.—No doubt, but as the Inhabitants support the expence, they wish the Superintendancy invested in a man capable of rendering them the advantages they expect from it, and not converted into a mere sinecure; which by the present appointment is effectually so, contrary to the desire of most of the inhabitants, under pretence that Mr. Playdell's Letter of Licence from the Company was expired, which in fact is not the case.

Mr. Elliot, a Gentleman of good family, by a very uncommon application for so young a man, having acquired a thorough knowledge of the Persian Language, as well as of the common Moors, which is most in use here, was applied to, first by the Justices, then by the Grand Jury, and at length by the Petty Jury, to interpret for them on this famous Trial; and acquitted himself so well, as to have merited and received the thanks of each Body separately, in the Public Court. Yet for these services has his situation been made so uneasy, as to have induced him

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to resign the Service, and return to Europe in the Ship which brings this Narrative. There does not remain in the Country a more promising young Gentleman, one of greater abilities, more universally esteemed, or from whom a more faithful account of the late proceedings here can possibly be had.

It is now the 5th of August, the day on which the Maha Rajah will suffer the just punishment due to his enormities. Since the capture of this country by the Company, there has scarcely been a man of rank in the service whom this profligate has not attempted to deceive or corrupt. With some few he succeeded, and those he never failed to betray. The Company's Records are full of such instances; and yet incredible pains have been taken to avert the just deserts due to a long series of complicated crimes.

During the time that an accusation of Forgery existed against him, his Son was appointed, by the reigning Majority of the Supreme Council, Guardian to the Nabob. It is true, General Clavering has since declared on oath, that he did not know the man appointed to this station, to be the Son of the Prisoner; but this shews the necessity of men so little acquainted with the pretensions and merits of individuals, paying some attention to the superior knowledge of those who, by a series of years of profitable servitude to their employers, are capable of judging of the merits or demerits of persons, any ways fit for trusts of consequence.

But, if possible, a still more extraordinary appointment has been made by the same Majority in the Supreme Council, since the conclusion of the late Trials. Mr. Fowke, the very man convicted of Conspiracy, has obtained from them the exclusive right to the Trade of Banares; and to effect it, they have removed Mr. Thomas Motte from thence; a well qualified, well respected, honest man, who has resided in Bengal as a Free Merchant ever since the year 1758, unimpeached and unblemished in his character.

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The Brother-in-law of Mr. Francis not only succeeds Mr. Playdell as Master of the Police, but enjoys the additional appointment of Perpetual Sheriff; an office heretofore esteemed the right of some Company's Servant, who had proved himself worthy the trust by a conscientious discharge of his duties.

Mr. Livius, a Servant of the Company, of no more than two years standing, is made Military Store-keeper General; and Mr. Bride, a servant of eight years standing, who has acted some years without censure as Deputy in that office, and who by the Company's orders, "That their Servants succeed in rotation, where it can be done with propriety," as well as the general rules of the Service, had a right to expect the succession, is left to serve under Mr. Livius, or content himself with the bare pay due to his rank.

The removal of Mr. Nathaniel Middleton from the Residency at the Court of the Nabob of Oude, may proceed from policy; but I will venture to affirm, the reigning Power will not meet with a young man in the Service more adequate to the trust, either in point of honor or intelligence. But he was nominated to it by Governor Hastings and the late Administration; an unhappy circumstance, which seems of itself sufficient to render any man unfit for present confidence.

The Gentlemen who have lately come from Europe in the Supreme Council, brought over a Majority therein; and their chief aim has been calculated, ever since they took their seats at that Board, for the subversion of almost every plan which had been formed by Mr. Hastings, aided by his late Council, all men of long experience in the nature of the government and collections of the country, most of them of known abilities, and whose regulations in general have met with the highest approbation of, and confirmation from, the Company. Differences in opinion between men at the same Board, in conducting the Political or Commercial affairs of a State, are so common, that while they keep their own secrets, and avoid personal abuse, the Multitude without doors, reasoning on conjecture, are rather amused than inflamed; but

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when we see this once happy Settlement torn to pieces by public and private distractions; when Cabinet disputes terminate in duelling; when Military Power attempts an ascendancy over Civil Authority; and the prospect we have of a future succession of Military Governors; we cannot but lament the wretched change: we have too many recent instances of the consequences, not to dread future ones. The true Mercantile Plant, that sweet offspring of Liberty, never has hitherto been known to flourish in rays reflected from glittering broad-swords, musquets, bayonets, or the various implements declared enemies to peace.

It is but too well known that every order of the Supreme Council, though the sentiments of a bare Majority, carry with them the appearance of the concurrence of the whole Board; it being a standing order of the Company, That on a division, the sense of the Majority carry with it the sense of the whole Board. The dissenting parties, indeed, have the power of giving the reasons for their dissent, in Minutes on the face of the Consultations, as a vindication of their sentiments to their employers; but who shall vindicate their apparent contradictions to the deluded Multitude, who, residing far distant from the Presidency, hourly receive mandates from Governor Hastings, as President of the Supreme Council, directly opposite from what they perhaps very lately received from him, as President and Governor of the late Administration. Happy would it have been for us, had these new Members of Administration united their abilities with those of the Governor-General and Mr. Barwell, in correcting abuses, and completing a system of Government, the foundation of which had been laid; it would have redounded to their mutual honour. Their present labour is vain, and must terminate in general dissatisfaction to us all, if not the total ruin of the Country. What less can result from Supreme Authority divided against itself; and the institutions of a Majority, whom time and experience alone, divested of the smallest degree of partiality, can render equal to the management of the reins of so extensive a Government? A more leisure hour would have better suited investigation: far be it from me to wish defects should be concealed, or to screen the public transactions of any man who may have erred, whether from principle or judgment;
though

though we have every reason to suppose, that the cool, steady, and upright conduct of the Governor-General and Mr. Barwell will defeat every attempt to lessen either their abilities or integrity in the opinion of the Public, who will, I doubt not, with their usual impartiality, wait the arrival of their vindication, ere they proceed to a final decision on, or crimination of, their conduct and administration.

F I N I S.

E R R A T A.

Page 8. l. 13, *for* Siffions read Sessions.

Ibid l. 19, *dele* of.

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I have no objection to the Government's action in the case of the
people, who will, I believe, be satisfied with the result.
of their vindication, and they proceed to a final decision on the
case of the people and the Government.

THE PEOPLE

THE PEOPLE

THE PEOPLE

